AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Land Use Change Application; Morrissette

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:

Amy and Leo Morrissette, represented by David Leinsdorf, have submitted a Land Use Change application for the construction of a single-family residence with an attached garage, in compliance with Section 11-108: Standards for Development on Ridgelines, Gunnison County Land Use

Fiscal Impact:

Submitted by: Rachel Sabbato **Submitter's Email Address:** rsabbato@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok db 5/15/19

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 5/15/2019 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 5/16/2019

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: 5 minutes

Agenda Date: 5/21/2019

Revised April 2015

Gunnison County Community
Development Department
Offices of Planning, Building and Environmental Health
221 N. Wisconsin St., Ste. D
Gunnison, CO 81230
Phone: (970) 641-0360 Fax: (970)641-8585

May 7, 2019

TO: **Board of County Commissioners**
Matthew Birnie, County Manager
David Baumgarten, County Attorney

FROM: **Rachel Sabbato**
Planner II

SUBJECT: **Amy and Leo Morrissette Ridgeline Residence**
LUC-19-00003
Planning Commission Recommendation

The Planning Commission unanimously approved a Minor Impact Land Use Change Recommendation for Amy and Leo Morrissette's Ridgeline Residence, on April 19, 2019. This ridgeline project requires BOCC approval. The County Attorney's office has reviewed and approved of the required restrictive covenant.

Attachments:
Planning Commission Recommendation
Board Resolution
Exhibit A – Restrictive Covenant
HOA Approval Letter
Visual Analysis
Site Plan

TO: **Board of County Commissioners**

FROM: **Planning Commission**

SUBJECT: **Planning Commission Recommendation**
Amy and Leo Morrissette
Lot 25, Trapper's Crossing at Wildcat
LUC-2019-00003

DATE: **April 19, 2019**

PREPARED BY: **Rachel Sabbato, Planner II**

APPLICANT: **Amy and Leo Morrissette**
1610 Little Raven Street, Unit PH10
Denver, CO 80202

REPRESENTATIVE: **David Leinsdorf**

At its regular meeting on April 19, 2019, the Planning Commission unanimously approved the following Minor Impact Recommendation, moved by Vince Rogalski and seconded by Molly Mugglestone.

PROJECT DESCRIPTION:
Amy and Leo Morrissette, represented by David Leinsdorf, has submitted an application for the construction of a single-family two-story residence, with an attached garage, in compliance with *Section 11-108: Standards for Development on Ridgelines*, *Gunnison County Land Use Resolution*.

Submittal documentation includes the following:

- "Ridgeline Analysis – "Lot 25, Trapper's Crossing At Wildcat", prepared by NCW & Associates, Inc., dated January 8, 2019.
- Trappers Crossing at Crested Butte Association approval letter, Rob Harper, Toad Property Management, Inc. Manager, December 19, 2018.
- Restrictive Covenant

The analysis indicates that this site is heavily treed with aspen and spruce. From vantage point 1 on Highway 135 there are an average of 330 feet of screening trees in front and an average of 200 feet in back. From vantage point 2 on Highway 135 there are an average of 440 feet of trees screened in front and an average of 95 feet in back that will provide significant screening so that the structure will blend in with its surroundings. Exterior building materials will have natural color theme.

The site is located on on Lot 25, Trapper's Crossing at Wildcat, approximately 2.5 miles from CR 12 on Wildcat Trail, southwest of Crested Butte.

IMPACT CLASSIFICATION:
The project, by definition, is a minor impact.

PLANNING COMMISSION MEETING DATES:
The Planning Commission held meetings on the subject project on the following dates:

- March 15, 2019 Work Session and Site Visit
- April 5, 2019 Public Hearing
- April 19, 2019 Continued Public Hearing, Draft Recommendation

ONSITE VISIT:
The Planning Commission conducted a site visit on March 15, 2019. The Commission members visited the building site and viewed the site from the ridgeline vantage location on State Highway 135. The Commission members noted that the site seemed to be below the main ridge and was moved intentionally to create more of a tree buffer. From the vantage points, nothing at the building site was visible. The site will not be easily visible or obtrusive due to the earth tone color scheme and there is a significant distance from any of the vantage points on State Highway 135.

PUBLIC HEARING:
A public hearing was held on April 5th, 2019; at that time, William Early, adjacent land owner was present. No written public comments were received by the Commission.

COMPLIANCE WITH *SECTION 11-108: STANDARDS FOR DEVELOPMENT ON RIDGELINES* OF THE GUNNISON COUNTY LAND USE RESOLUTION:
The applicants provided a detailed ridgeline analysis, including detailed architectural drawings of the site profile, prepared by NCW & Associates, Inc. The drawings and site plans, as noted above, depict the location, form and scale of the proposed structures in relation to the existing trees on the parcel and the ridgeline vantage locations on State Highway 135.

A restrictive covenant, attached as "Exhibit A," will ensure, in perpetuity, the existence and replacement of the natural vegetation on the applicant's property used for screening. Additionally, the structures on the ridgeline shall have minimum visual impact. The residence will not stand out among its surroundings, nor draw attention to it self, through the use of dark siding and exterior colors that blend with surrounding natural terrain. Additionally, rusted metal or another comparably unobtrusive material shall be used for the roof material. The residence will not be visible from a municipal ridgeline vantage and may be minimally visible from State Highway 135.

The proposed residence may be partially visible on a ridgeline that is more than 150 feet vertically higher from the closest point on a ridgeline vantage, pursuant to *Section 11-108: Standards for Development on Ridgelines C. Ridgeline Visibility*.

The applicants have asserted through visual analysis that the structure will be significantly screened, in compliance with *Section 11-108: Standards for Development on Ridgelines. I.1.d: If Significant Screening Exists and Is Protected, Decision Shall Be Made By Board,* with existing vegetation that is of such volume, density and species that no part of the building that is partially visible will be visually obtrusive.

FINDINGS:
The Gunnison County Planning Commission, based on the facts set forth in this Recommendation and on the material facts represented by the applicant, whether or not repeated herein, and the results of an onsite visit and public hearing by the Planning Commission, finds that:

1. The Commission has classified the application as a Minor Impact Project, based upon the impact classification found in *Section 6-102: Projects Classified as Minor Impact Projects F. Development Requiring Detailed Ridgeline Vantage Visibility Analysis.*

2. A detailed visual ridgeline analysis titled "Lot 25, Trapper's Crossing At Wildcat", prepared by NCW & Associates, Inc., dated January 8, 2019 was submitted with the application.

3. The information and analysis indicate that the proposed structure, under the definition of "ridgeline vantage," may be visible from State Highway 135 only when traveling north.

4. Pursuant to *Section 11-108: Standards for Development on Ridgelines*, I. Exceptions the Planning Commission finds by clear and convincing evidence that significant screening exists and that the building site meets or exceeds the following standard:

   d. If Significant Screening Exists and is Protected, Decision Shall Be Made by Board. If the Planning Commission finds that the project does not meet the first three requirements of this section, but that any building on the ridgeline shall be <u>significantly</u> screened by existing (as opposed to new) natural vegetation on the applicant's property, of such volume, density and species of tree cover, after provision of defensible space for wildfire hazard, so that no part of the building that is partially visible shall be visibly obtrusive from any ridgeline vantage, at any time of year, the Commission shall so note in a recommendation to the Board, and the Board shall be the decision making body. If approved, the approval shall include:

   1. *Recorded Covenant, Easement or Agreement*. A recorded mechanism (e.g. protective covenant, conservation easement, bonding agreement) acceptable to the County must be provided to ensure, in perpetuity, the existence and replacement of the natural vegetation on the applicant's property used for screening; and
   2. *Minimal Visual Impact*. When significant screening exists and is protected, the building on the ridgeline shall have minimal visual impact and:
      (a.) *Is Not Obtrusive or Visible From A Municipal Ridgeline Vantage*. Must comply with both of the following standards:
      (1.) *Obtrusiveness*. The building will blend in with its surroundings and will not stand out in the context of its surroundings nor draw attention to itself; and

(2.) *Municipal Ridgeline Vantage*. The building will not be visible with the naked eye from a municipal ridgeline vantage; and

(b.) *Must Not be Visible from Ridgeline Vantage or Visibility is Only Momentary*. Must comply with and with one of the following standards:

(1.) *Distance from Ridgeline Vantage(s)*. The building will not be visible with the naked eye from near or distant ridgeline vantages; or

(2.) *Number and Length or Duration of Ridgeline Vantages*. The number and length or duration of public road ridgeline vantages from which the building will be visible are so small that the building will be visible only momentarily to passersby.

5. A restrictive covenant was submitted, ensuring, in perpetuity, the existence and replacement of the natural vegetation on the subject property, attached as "Exhibit A".

6. The Planning Commission conducted a site visit on March 15, 2019. The Commission members visited the building site and viewed the site from the ridgeline vantage location on State Highway 135. The Commission members noted that the site seemed to be below the main ridge and was intentionally moved to create more of a tree buffer. From the vantage points, nothing at the building site was visible. The site will not be easily visible or obtrusive due to the earth tone color scheme and there is a significant distance from any of the vantage points on State Highway 135.

7. The elevation difference between the building site and the ridgeline vantage on State Highway 135 is greater than 150 feet.

8. The structures on the ridgeline shall have minimal visual impact. The residence will not stand out among its surroundings, nor draw attention to itself, through the use of dark siding and exterior colors that blend with surrounding natural terrain. Additionally, rusted metal or another comparably unobtrusive material shall be used for the roof material. The residence will not be visible from a municipal ridgeline vantage and may be minimally visible from State Highway 135. No shiny metal roof shall be allowed, as identified in the restrictive covenant.

9. All exterior lighting shall be directed downward, as identified in the restrictive covenant.

10. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all comments at the public hearing, exhibits, references and documents as included therein.

11. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.

12. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.

13. Approval of this use is based upon the facts presented and implies no approval of similar use in a different location and with different impacts on the environment and community. Each such future application shall be required to be reviewed and evaluated on its own facts, subject to its compliance with current regulations, and its impact to the County.

NOW, THEREFORE, The Gunnison County Planning Commission, having considered the submitted analysis, site plan, site observations and public testimony, has reached the above Findings and recommends to the Board of County Commissioners, that LUC 2019-00003, The Morrissette Ridgeline Residence, be approved with the following conditions: :

1. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the Site Plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution*.

2. That this approval be memorialized by Board Resolution and recorded within the Office of the Gunnison County clerk and Recorder.

3. A restrictive covenant ensuring, in perpetuity, the existence and replacement of the natural vegetation on the subject property, attached as "Exhibit A.", shall be executed prior to approval by the Board. The restrictive covenant shall be recorded contemporaneously with the Board Resolution, within the Office of the Gunnison County Clerk and Recorder.

4. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.

5. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.

6. Approval of this use implies no approval of any such similar use on any other parcel. Review of this application has considered the impact of this proposed use in the context of cumulative impacts to the environment and the community in the context of its compliance with County land use standards.

7. Approval of this use is based upon the facts presented and implies no approval of a similar use in a different location and with different impacts on the environment and community. Each such future application shall be required to be reviewed and evaluated on its own facts, subject to its compliance with current regulations, and its impact to the County.

DAVID LEINSDORF

ATTORNEY AT LAW

P.O. BOX 187, 215 ELK AVENUE
CRESTED BUTTE, CO 81224-0187
EMAIL: david81224@gmail.com
TELEPHONE: (970) 349-6111

May 13, 2019

Ms. Rachel Sabbato, Planner II
Gunnison County Community Development
221 N. Wisconsin Street, Suite D
Gunnison, CO 81230

VIA COURIER

Re: LUC-19-00003, Morrissette

Dear Rachel,

Confirming the message I left on your voice mail, I have enclosed the Morrissette Restrictive Covenant executed by the Morrissettes and Lynn McDermand on behalf of the Trapper's Association.

Please schedule this matter for final approval by the Board of County Commissioners, hopefully on May 21, 2019.

Many thanks.

Best regards,

David Leinsdorf

DL/jmk

Enclosures: Restrictive Covenant

cc: Leo and Amy Morrissette
Dan Murphy

ec: Rachel Sabbato

DAVID LEINSDORF

ATTORNEY AT LAW

P.O. BOX 187, 215 ELK AVENUE
CRESTED BUTTE, CO 81224-0187
EMAIL: david81224@gmail.com
TELEPHONE: (970) 349-6111

May 13, 2019

Ms. Rachel Sabbato, Planner II
Gunnison County Community Development
221 N. Wisconsin Street, Suite D
Gunnison, CO 81230

VIA COURIER

Re: LUC-19-~~44443~~ 0000, Morrissette

Dear Rachel,

Confirming the message I left on your voice mail, I have enclosed ~~is~~ the Morrissette Restrictive Covenant executed by the Morrissettes and Lynn McDermand on behalf of the Trapper's Association.

Please schedule this matter for final approval by the Board of County Commissioners, hopefully on May 21, 2019.

Many thanks.

Best regards,

David Leinsdorf

DL/jmk

Enclosures: Restrictive Covenant

cc: Leo and Amy Morrissette
Dan Murphy

ec: Rachel Sabbato

RESTRICTIVE COVENANT

FOR GOOD AND VALUABLE CONSIDERATION, Amy Engelman Morrissette and Leo Morrissette, Jr.("Grantor") voluntarily agree, for themselves, their beneficiaries, representatives, successors and assigns, with the Board of County Commissioners of Gunnison County, Colorado ("County") and with Trappers Crossing at Crested Butte Association, a Colorado non-profit corporation ("Association") that Lot 25, Trappers Crossing at Wildcat, according to the amended plat thereof recorded October 30, 1992, under Reception No. 438114, County of Gunnison, State of Colorado ("Property") shall be forever burdened by and subject to the following restrictions:

1. No trees or other natural vegetation shall be removed from the Property except:

A. To clear the building site for construction of the improvements approved pursuant to Gunnison County Land Use Change No. LUC–19-00003;

B. To preserve and/or improve the health of the forest on the Property, except that no trees or other natural vegetation shall be removed or substantially altered which wholly or partially shield the building(s) on the Property from a ridgeline vantage (as defined in the Gunnison County Land Use Resolution) or which are seen behind the building(s) when viewed from a ridgeline vantage; and

C. To create defensible space for protection against wildfires.

In the event that any other trees or other natural vegetation that screen Grantor's building(s) from a ridgeline vantage are removed or substantially altered by Grantor, wildfire or other cause, Grantor shall replace such trees or other natural vegetation during the next planting season following such removal with trees or other natural vegetation of like kind and size and insure their survival. Trappers Crossing at Crested Butte Association, a Colorado non-profit membership corporation, the homeowners association for Trapper Crossing at Wildcat, hereby approves this Restrictive Covenant.

2. All buildings shall have unobtrusive exterior colors and materials that blend as much as possible with the surrounding natural terrain and environment. No bright colors or materials shall be permitted.

3. The roof material shall be cedar shake, rusted metal or another comparably unobtrusive material. No shiny metal roof shall be allowed.

4. In addition to the requirements in the Gunnison County Land Use Resolution, all exterior lighting shall be directed downward. No unsheathed exterior lighting shall be allowed. No mercury vapor or similar lighting shall be allowed.

5. Grantor agrees that all exterior finishes shall be as described on the Materials List dated 11/14/2018, a copy of which is attached to and incorporated into this Restrictive Covenant as **Exhibit A**. Grantor shall not alter the exterior of any building on the Property without first obtaining County's prior written consent.

Grantor agrees that the residence shall be constructed consistent with the final plans approved by Association drawn by Dan Murphy and dated November 14, 2018, with the final revision dated December 10, 2018.

6. The failure to enforce or obtain compliance as to any violation of this Restrictive Covenant shall not be deemed a waiver of the right to do so for any subsequent violation or the right to enforce any part of this Restrictive Covenant.

7. The terms and provisions hereof shall be enforceable by an action for damages, injunctive relief, specific performance and/or any other remedy available at law or in equity. All remedies shall be cumulative.

8. If any action is brought in a court of law to enforce, interpret or construe this Restrictive Covenant or any document provided for herein or relating hereto, the prevailing party in such action shall be awarded all reasonable attorneys' fees and expert witness fees as well as all reasonable costs incurred in the prosecution or defense of such action.

9. This Restrictive Covenant, to the extent possible, shall be construed so as to give validity to all of the provisions hereof. If any provision of this Restrictive Covenant is determined to be invalid, unenforceable or prohibited by any court, the same shall not affect any other provision or section hereof and all other provisions and sections shall remain in full force and effect.

10. All contracts and agreements to sell or lease the Property, or any portion thereof, shall contain a provision incorporating therein the terms and provisions of this Restrictive Covenant and requiring that the purchaser or lessee of the Property, or any portion thereof, shall strictly observe the terms and provisions hereof.

11. The terms and provisions hereof shall forever inure for the benefit of Gunnison County, Colorado and Association and be binding upon the heirs, representatives, successors and assigns of the Grantor and be appurtenant to and run with title to the Property as a perpetual covenant running with the land.

IN WITNESS WHEREOF, the undersigned have signed this Restrictive Covenant as of the ____ day of _____, 2019.

Remainder of page intentionally left blank.

GRANTORS

Amy Engelman Morrissette

Leo Morrissette, Jr.

STATE OF Colorado)
) ss.
COUNTY OF Arapahoe)

The foregoing Restrictive Covenant was acknowledged before me this 17th day of April, 2019 by Amy Engelman Morrissette and Leo Morrissette, Jr.

Witness my hand and official seal. My commission expires:

Notary Public

RANDI DIXON
NOTARY PUBLIC
STATE OF COLORADO
Notary ID 19964014153
My Commission Expires August 9, 2019

ASSOCIATION

Trappers Crossing at Crested Butte Association, a Colorado non-profit corporation

By: Lynn McDermand
_____, President

STATE OF Colorado)
) ss.
COUNTY OF Gunnison)

The foregoing Restrictive Covenant was acknowledged before me this 13th day of May, 2019 by Lynn McDermand as President of Trappers Crossing at Crested Butte Association, a Colorado non-profit membership corporation.

Witness my hand and official seal. My commission expires: 12/9/22

Janie M. Kelley
Notary Public

JANIE M. KELLEY
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #19944018421
My Commission Expires December 9, 2022

ACCEPTANCE

The Board of County Commissioners of Gunnison County, Colorado accepts the foregoing Restrictive Covenant this ____ day of _____, 2019.

Board of County Commissioners

By: _____
_____, Chairperson

ATTEST:

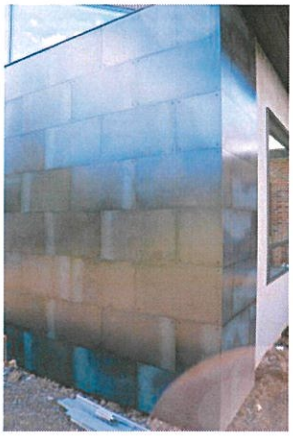
_____
Gunnison County Clerk and Recorder

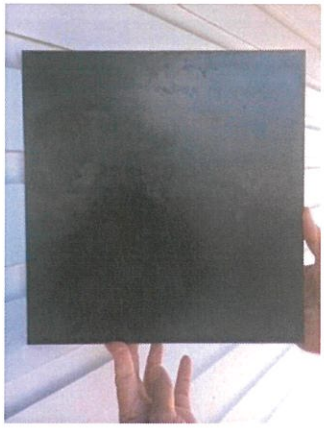
Morrissette Residence – Lot 25, Trappers Crossing at Wildcat
Materials List – Design Review Submittal
11/14/2018

Standing Seam Roof – Classic Bronze color

Glulam beams, col. and trim stained dark brown

Light Brown Cedar Soffit





Black/Dark Grey Metal Panel Siding

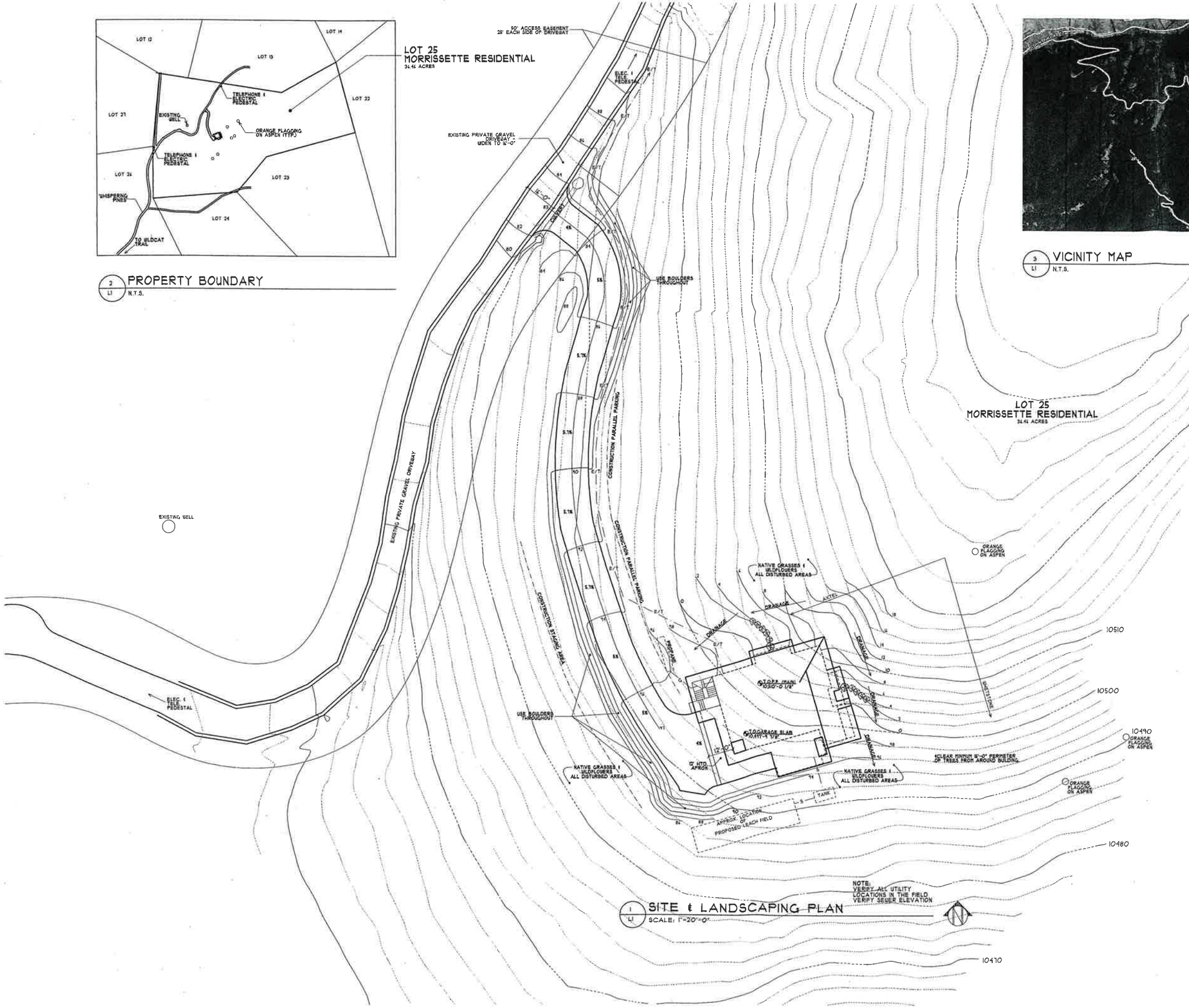
Horizontal Wood Siding
Treated using Shou Sugi Ban (Wood Charring)

Stone Siding

Window Color, Kolbe Corbeau

Exhibit A

2 / L1 PROPERTY BOUNDARY
N.T.S.



NOTE:
VERIFY ALL UTILITY LOCATIONS IN THE FIELD
VERIFY SEWER ELEVATION

1 / L1 SITE & LANDSCAPING PLAN
SCALE: 1"=20'-0"

3 / L1 VICINITY MAP
N.T.S.

DANIEL J. MURPHY
ARCHITECT, PC
P.O. Box 2119 • 429 Sixth Street
Crested Butte, CO 81224
Ph: 970-349-1200 • Fax: 970-349-0101
e-mail: info@djmarchitect.com

OWNER:

LEO & AMY MORRISSETTE
1610 LITTLE RAVEN ST, UNIT PH 10
DENVER, CO 80202-4181
LEO's CELL: (720) 466-0344
AMY's CELL: (817) 784-3324
LEO's E-MAIL: lmj46012@gmail.com
AMY's E-MAIL: amgengelman@hotmail.com

GENERAL CONTRACTOR:

DEUCE WYNES
BLUELINE BUILDERS
P.O. BOX 3104
CRESTED BUTTE, CO 81224
PHONE: (970) 349-2861
DEUCE's CELL: (970) 596-6128
E-MAIL: deuce@bluelinebuilderscb.com

CONTENTS:

L1 SITE & LANDSCAPING PLAN

A1 EXTERIOR ELEVATIONS & WINDOW SCHEDULE
A2 FIRST FLOOR PLAN, SCHEDULES & NOTES
A3 SECOND FLOOR PLAN, SCHEDULES & NOTES
A4 BUILDING SECTIONS

SCANNED

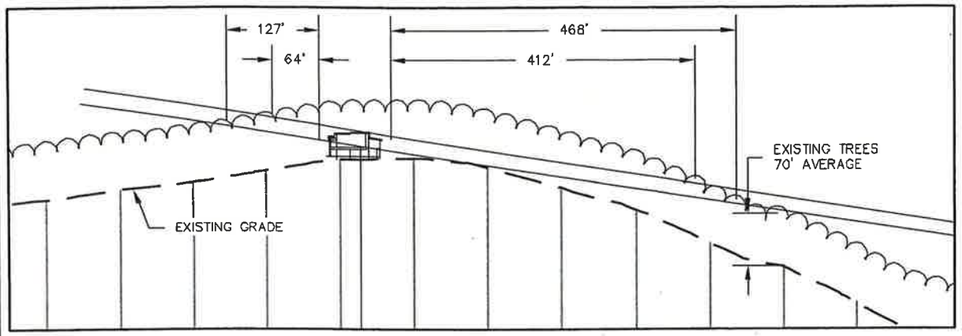
REVISIONS:
DESIGN REVIEW SUBMITTAL 2

PROJECT:
MORRISSETTE RESIDENCE
LOT 25, TRAPPERS CROSSING
@ WILDCAT, GUNNISON COUNTY, CO

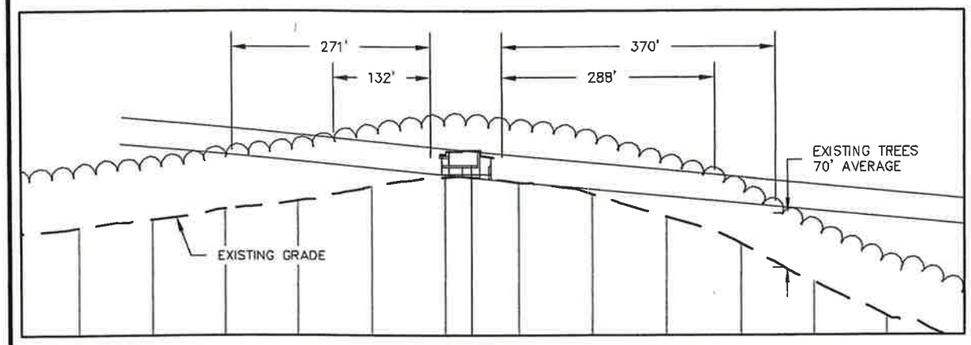
SHEET NAME:
SITE & LANDSCAPING PLAN

DATE: 12/10/2018

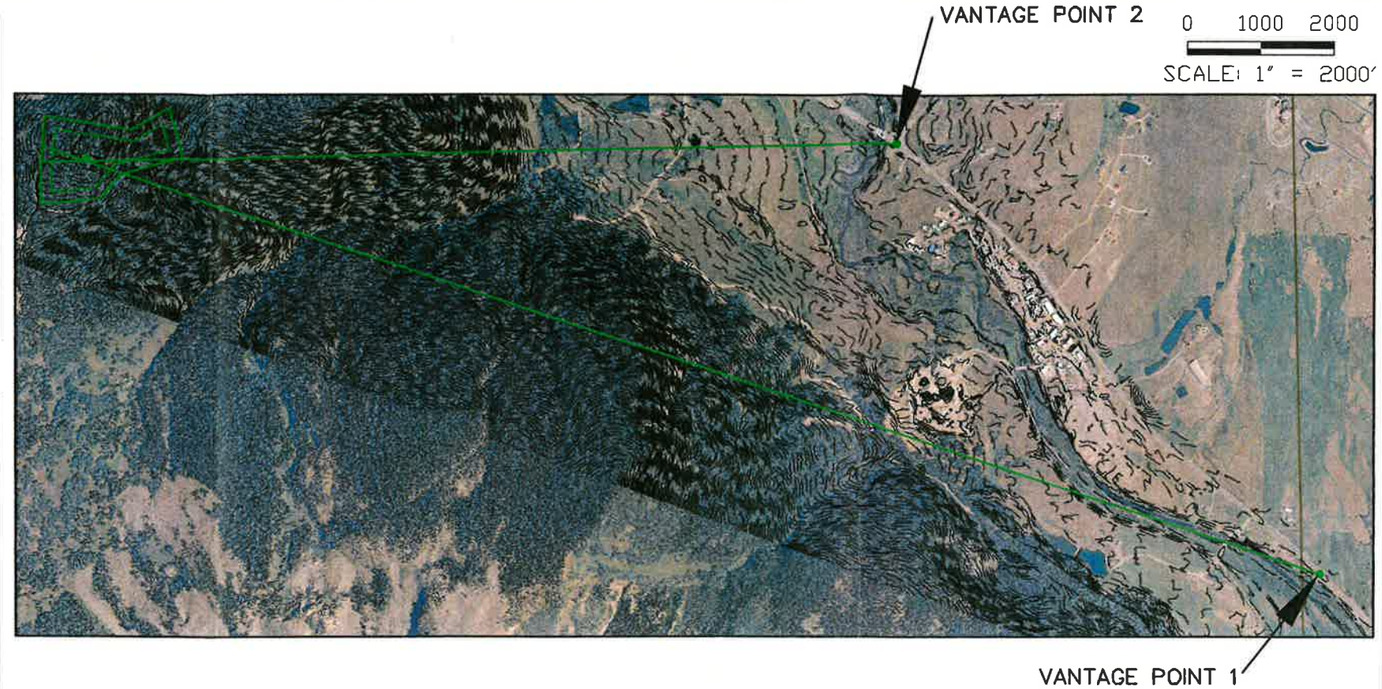
SHEET NO: L1

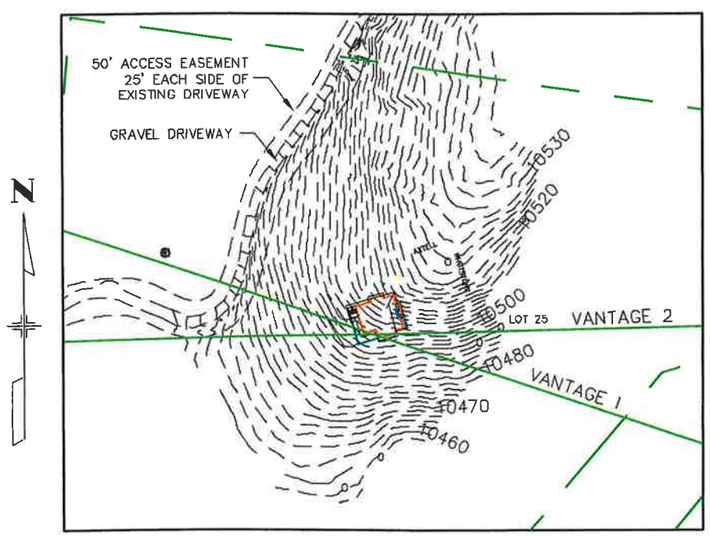


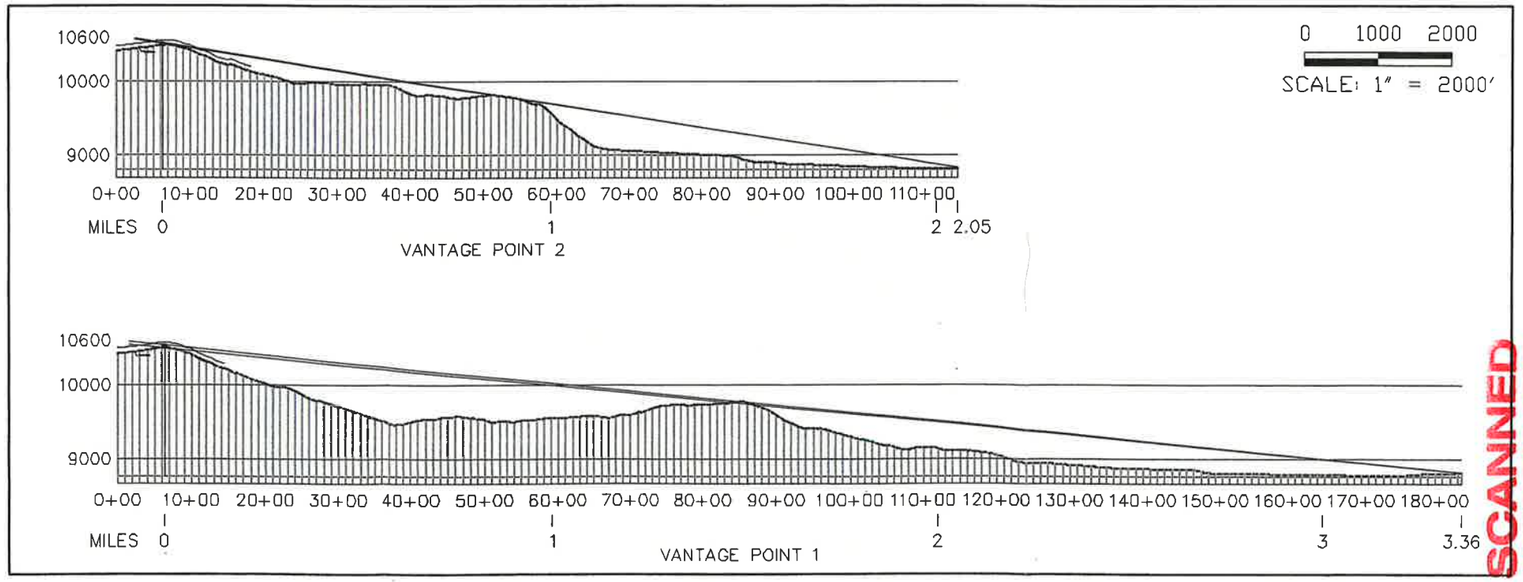
VANTAGE POINT 2



VANTAGE POINT 1







SCANNED

200 100 0 200 400

SCALE: 1" = 200'

Prepared By:
NCW & Associates, Inc.
P.O. Box 3688 Crested Butte
(970) 349-6384 Colorado 81224

LOT 25, TRAPPER'S CROSSING AT WILDCAT
GUNNISON COUNTY, COLORADO

RIDGELINE ANALYSIS

PROJECT: 17210.00	DWG.: GEORIDGE	DATE: 1/8/19	SHEET 1 OF 1

TRAPPERS CROSSING AT CRESTED BUTTE ASSOCIATION
PO Box 2776, Crested Butte, CO 81224 – (970) 349-2773

Construction Approval

December 19, 2018

Leo and Amy Morrissette
C/O Dan Murphy - Architect
1610 Little Raven St. Unit PH10
Denver, CO 80202

Re: Lot 25, Trappers Crossing at Wildcat

Dear Leo and Amy,

The Trappers Crossing at Crested Butte Association Board of Directors has reviewed and approves the final plans drawn by Dan Murphy and dated November 14, 2018 with a final revision dated December 10, 2018.

A copy of this letter should be sent to the Gunnison County Building Department as evidence of the Association's approval.

Regards,

Rob Harper
Toad Property Management, Inc., Manager

SCANNED

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 2019- ____

A RESOLUTION APPROVING LAND USE CHANGE PERMIT NO. 2019-00003
A LAND USE CHANGE PERMIT FOR AMY AND LEO MORRISSETTE.
CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE ON A RIDGELINE
LOCATED AT LOT 25, TRAPPER'S CROSSING AT WILDCAT.

WHEREAS, Amy and Leo Morrissette, represented by David Leinsdorf, have submitted a Land Use Change application for the construction of a single-family residence with an attached garage, in compliance with *Section 11-108: Standards for Development on Ridgelines*, *Gunnison County Land Use Resolution*.

The applicants provided a detailed ridgeline analysis, including detailed architectural drawings of the site profile, prepared by NCW & Associates, Inc. titled, "Lot 25, Trapper's Crossing At Wildcat", dated January 8, 2019. The drawings and site plans, as noted above, depict the location, form and scale of the proposed structures in relation to the existing trees on the parcel and the ridgeline vantage locations on State Highway 135.

A restrictive covenant, attached as "Exhibit A," will ensure, in perpetuity, the existence and replacement of the natural vegetation on the applicant's property used for screening. The residence will not be visually obtrusive, and shall be significantly screened through the of dark siding and exterior colors that blend with surrounding natural terrain. The residence is not be visible from a municipal ridgeline vantage and minimally visible from State Highway 135.

The distance between the subject parcel and the closest point on the ridgeline vantage is significant, 2.5 miles, and the duration of the visibility is of so short a period of time that those factors will limit the visibility of the proposed residence from the ridgeline vantage, pursuant to Section 11-108: Standards for Development on Ridgelines C. Ridgeline Visibility.

The site is located on Lot 25, Trapper's Crossing at Wildcat, approximately 2.5 miles from CR 12 on Wildcat Trail, southwest of Crested Butte; and

WHEREAS, after a review of the visual analysis, all information, documentation and related to it, and an on-site visit, the Gunnison County Planning Commission did, after a public hearing on April 5, 2019 forward a Recommendation of approval of that application to the BOCC with certain Findings and Conditions:

FINDINGS:

1. The Commission has classified the application as a Minor Impact Project, based upon the impact classification found in *Section 6-102: Projects Classified as Minor Impact Projects F. Development Requiring Detailed Ridgeline Vantage Visibility Analysis.*

2. A detailed visual ridgeline analysis titled "Lot 25, Trapper's Crossing At Wildcat", prepared by NCW & Associates, Inc., dated January 8, 2019 was submitted with the application.

3. The information and analysis indicate that the proposed structure, under the definition of "ridgeline vantage," may be visible from State Highway 135 only when traveling north.

4. Pursuant to *Section 11-108: Standards for Development on Ridgelines*, I. *Exceptions* the Planning Commission finds by clear and convincing evidence that significant screening exists and that the building site meets or exceeds the following standard:

d. If Significant Screening Exists and is Protected, Decision Shall Be Made by Board. If the Planning Commission finds that the project does not meet the first three requirements of this section, but that any building on the ridgeline shall be <u>significantly</u> screened by existing (as opposed to new) natural vegetation on the applicant's property, of such volume, density and species of tree cover, after provision of defensible space for wildfire hazard, so that no part of the building that is partially visible shall be visibly obtrusive from any ridgeline vantage, at any time of year, the Commission shall so note in a recommendation to the Board, and the Board shall be the decision making body. If approved, the approval shall include:

1. *Recorded Covenant, Easement or Agreement*. A recorded mechanism (e.g. protective covenant, conservation easement, bonding agreement) acceptable to the County must be provided to ensure, in perpetuity, the existence and replacement of the natural vegetation on the applicant's property used for screening; and
2. *Minimal Visual Impact*. When significant screening exists and is protected, the building on the ridgeline shall have minimal visual impact and:
   (a.) *Is Not Obtrusive or Visible From A Municipal Ridgeline Vantage*.
   Must comply with both of the following standards:
   (1.) *Obtrusiveness*. The building will blend in with its surroundings and will not stand out in the context of its surroundings nor draw attention to itself; and
   (2.) *Municipal Ridgeline Vantage*. The building will not be visible with the naked eye from a municipal ridgeline vantage; and
   (b.) *Must Not be Visible from Ridgeline Vantage or Visibility is Only Momentary*. Must comply with and with one of the following standards:
   (1.) *Distance from Ridgeline Vantage(s)*. The building will not be visible with the naked eye from near or distant ridgeline vantages; or
   (2.) *Number and Length or Duration of Ridgeline Vantages*. The number and length or duration of public road ridgeline vantages from which the building will be visible are so small that the building will be visible only momentarily to passersby.

5. A restrictive covenant was submitted, ensuring, in perpetuity, the existence and replacement of the natural vegetation on the subject property, attached as "Exhibit A".

6. The Planning Commission conducted a site visit on March 15, 2019. The Commission members visited the building site and viewed the site from the ridgeline vantage location on State Highway 135. The Commission members noted that the site seemed to be below the main ridge and was intentionally moved to create more of a tree buffer. From the vantage points, nothing at the building site was visible. The site will not be easily visible or obtrusive due to the earth tone color scheme and there is a significant distance from any of the vantage points on State Highway 135.

7. The Commission finds that there is significant vegetative screening existing on the property located behind the proposed residence and will not be visually obtrusive.

8. The elevation difference between the building site and the ridgeline vantage on State Highway 135 is greater than 150 feet.

9. The proposed structures on the ridgeline shall have minimal visual impact. The residence will not stand out among its surroundings, nor draw attention to itself, through the use of dark siding and exterior colors that blend with surrounding natural terrain. Additionally, rusted metal or another

comparably unobtrusive material shall be used for the roof material. The residence will not be visible from a municipal ridgeline vantage and may be minimally visible from State Highway 135. No shiny metal roof shall be allowed, as identified in the restrictive covenant.

10. All exterior lighting shall be directed downward, as identified in the restrictive covenant.

11. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all comments at the public hearing, exhibits, references and documents as included therein.

12. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.

13. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.

14. Approval of this use is based upon the facts presented and implies no approval of similar use in a different location and with different impacts on the environment and community. Each such future application shall be required to be reviewed and evaluated on its own facts, subject to its compliance with current regulations, and its impact to the County.

CONDITIONS:

1. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the Site Plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution*.

2. A restrictive covenant ensuring, in perpetuity, the existence and replacement of the natural vegetation on the subject property, attached as "Exhibit A," shall be executed prior to approval by the Board. The restrictive covenant shall be recorded contemporaneously with the Board Resolution, within the Office of the Gunnison County Clerk and Recorder.

3. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.

4. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.

5. Approval of this use implies no approval of any such similar use on any other parcel. Review of this application has considered the impact of this proposed use in the context of cumulative impacts to the environment and the community in the context of its compliance with County land use standards.

6. Approval of this use is based upon the facts presented and implies no approval of a similar use in a different location and with different impacts on the environment and community. Each such future application shall be required to be reviewed and evaluated on its own facts, subject to its compliance with current regulations, and its impact to the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that Land Use Change Permit No. 2018-00009, for the Demented Duo Trust is approved as a Minor Impact, subject to each and all conditions of the decision document, as identified above, and;

THIS APPROVAL is effected noting that decision documentation includes, but is not limited to, the application and the entire Community and Economic Development Department Land Use Change Permit application file relative to this application. This approval is founded on each individual finding and requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.

THIS RESOLUTION AND THE APPROVAL GRANTED HEREBY shall not be effective unless and until a copy is recorded in the Office of the Clerk and Recorder of Gunnison County.

INTRODUCED by Commissioner _____, seconded by Commissioner _____, and passed on this ___day of May, 2019.

BOARD OF COUNTY COMMISSIONERS

_____	_____	_____
Jonathan Houck,	John Messner,	Roland Mason,
Chairperson	Commissioner	Commissioner

ATTEST:

Gunnison County Clerk and Recorder